IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 5452 of 2005

Between:

1 P. Sankara Rao S/o. Late Pentaia
2 B. Venkata Ramana S/o. Gurumurthy
3 P. Venkata Rao S/o. Satyanarayana
(All the petitioners are the residents of Vedullanarva Village,

Sabbavaram mandal, Visakhapatnam District.)

..... PETITIONERS

AND

1 The Station House Officer, Sabbavaram Police Station,

Visakhapatnam District.
2 Sri Pinninti Ramana Sub-Inspector of Police,

Sabbavaram Police Station, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction more in the nature of Mandamus or any other appropriate writ declaring the action of the respondents in interfering with the petitioners peaceful possession and enjoyment of the lands situated in Sy.Nos. 121 116(Part) and 117(Part) of Vedulanarva Village, Sabbavaram Mandal, Visakhapatnam District as illegal, arbitrary and without jurisdiction and contrary to the code of conduct.

Counsel for the Petitioner: MR.V.T.M.PRASAD

Counsel for the Respondent No.1: GP FOR HOME

The Court at the admission stage made the following:

ORDER:

The present writ petition is filed aggrieved by the action of the respondents in interfering with the petitioner's peaceful possession and enjoyment of the lands situated in Sy.Nos.121, 116 (Part) and 117 (Part) of Vedulanarva Village, Sabbavaram Mandal of Visakhapatnam District.

The petitioner claims to be the absolute owner and possessor of the lands in question. He alleges that at the instance of M/s. M. Krishnamurthy, M. Narsinga Rao, M. Satyanarayana, S. Tata Rao and V. Abbaiah, who are residents of his village, the second respondent is trying to evict the petitioner from the lands in question. It is stated that from 7-3-2005 onwards on every alternate day, the second respondent has been calling and pressurizing him to vacate the lands in question. It is also alleged that earlier, when the second respondent was working as Sub-Inspector of Police of one of the Police Stations, within the limits of Visakhapatnam District, he faced allegations of interfering with civil disputes, and on that very ground, he was transferred to the present Police Station. Hence, the petitioners filed the present writ petition seeking a direction to the second respondent not to interfere with the civil disputes between them and others.

Upon receipt of notice, the second respondent filed counter-affidavit denying the allegations made by the petitioners in the affidavit, and *inter alia*, denied that he never interfered with the physical possession of the petitioners property nor tried to dispossess them. He specifically denied interference with the civil disputes at the instance of M/s. M. Krishnamurthy, M. Narsinga Rao, M. Satyanarayana, S. Tata Rao and V. Abbaiah.

In view of the categorical statement made by the second respondent to the effect that he never interfered with the peaceful possession and enjoyment of the petitioner over the lands in question nor tried to dispossess them, and more particularly at the instance of M/s. M.

Krishnamurthy, M. Narsinga Rao, M. Satyanarayana,
S. Tata Rao and V. Abbaiah, no further orders need be passed in the writ petition.

The writ petition is accordingly closed. However, it is made clear that any interference by the second respondent with the civil matters, would be viewed seriously. No order as to costs.

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27.04.2005

dr/tvk

To

1 The Station House Officer, Sabbavaram Police Station,

Visakhapatnam District.
2 2 CCs to Government Pleader for Home,

High Court Buildings, Hyderabad. (OUT)

3 2 CD copies

4 1 CC to MR.PRASAD